

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

CHRISTOPHER ANDERSON, R.N.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on April 26, 2011, in Henrico County, Virginia. Christopher Anderson, R.N., was present and was represented by Rhiannon M. Schuster, Esquire. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 20, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Anderson was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Christopher Anderson, R.N., was issued License No. 0001-202359 to practice professional nursing in Virginia on July 14, 2006. The license is scheduled to expire on October 31, 2011. His primary state of residence is Virginia.

2. By letter dated February 8, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Anderson notifying him that an informal conference would be held on March 2, 2011. The Notice was sent by certified and first class mail to 1721 Olde Buckingham Road, Hampton, Virginia, 23669, the address of record on file with the Board of Nursing. Mr. Anderson's legal counsel requested a continuance, and by letter dated March 1, 2011, the Board notified Mr. Anderson and his counsel that the Informal Conference was scheduled for April 26, 2011. The letter was sent by

certified and first class mail to 1721 Olde Buckingham Road, Hampton, Virginia 23669, the address of record on file with the Board of Nursing, and 7508 Granby Street, Norfolk, Virginia 23505, the address for Rhiannon M. Schuster, Esq., legal counsel for Mr. Anderson.

3. During the course of his employment at Sentara CarePlex Hospital, Hampton, Virginia:

a. On August 20, 2010, Mr. Anderson removed 1 mg of Dilaudid (hydromorphone, Schedule II) from the Pyxis at 1620 for Patient A. He failed to scan the medication into the medication administration record due to an equipment failure. When Patient A subsequently complained of pain, Mr. Anderson stated that he had administered the medication. The charge nurse asked Mr. Anderson to document administering the medication, with the time of administration as 1620. However, Mr. Anderson documented the time of administration of .5 mg of Dilaudid as 1500, and he failed to document wasting the excess .5 mg of Dilaudid.

b. Mr. Anderson's five year long employment was terminated on August 30, 2010.

4. On July 12, 2010, Mr. Anderson was admitted to Riverside Behavioral Health Center, Hampton, Virginia, and he was diagnosed with depressive disorder, not otherwise specified. Moreover, Mr. Anderson had a drug screen that was positive for cocaine, and he admitted that he used cocaine approximately twice a month.

5. Mr. Anderson reported at the informal conference that his date of sobriety is November 20, 2010. Mr. Anderson stated that he regularly sees a counselor and a psychiatrist, and he is regularly subjected to random drug screens. Mr. Anderson is currently prescribed Adderall, Xanax, and Neurontin. Mr. Anderson contacted the Health Practitioners' Monitoring Program, but decided not to enter the program.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(5) of the Code.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Christopher Anderson, R.N., shall be placed on PROBATION for not less than two years of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Mr. Anderson has completed two years of active employment as a professional nurse. The license of Mr. Anderson shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Mr. Anderson shall inform the Board in writing within ten days of the date he begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Mr. Anderson shall provide the name and address of each employer to the Board.

3. Mr. Anderson shall inform his current nursing employer and each future nursing employer that the Board has placed him on probation and shall provide each employer with a complete copy of this Order. If Mr. Anderson is employed through a staffing agency, he shall inform his supervisor in each facility where assigned that he is on probation.

4. Performance Evaluations shall be provided, at the direction of Mr. Anderson, by all nursing employers, as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period

of probation ends.

5. Mr. Anderson shall practice nursing only in a supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Mr. Anderson shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Mr. Anderson shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom he has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should he be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

7. Mr. Anderson shall be required to have two supervised, unannounced random drug screens a month, from a Board approved testing entity, which includes testing for alcohol and the following drug of choice: cocaine. Mr. Anderson shall ensure that the first set of results are received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Mr. Anderson refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

8. Mr. Anderson shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and

any consultants designated by the Board.

9. Mr. Anderson shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

10. Mr. Anderson shall return all copies of his license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

11. Mr. Anderson shall conduct himself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

12. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Anderson and an administrative proceeding shall be held to decide whether his license shall be revoked.

This Order is subject to appeal to the Board. If Mr. Anderson desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, he must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: August 1, 2011